

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/29/2025
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRIMITIVO ROBLES, on behalf of himself
and all other similarly situated,

Plaintiff,

-against-

CAPRI HOLDINGS 2 LLC d/b/a BUDR
CANNABIS,

Defendants.

24-cv-7658 (MKV)

SCHEDULING ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of Defendant's letter regarding its contemplated motion to dismiss this case and a request to stay discovery, filed on January 8, 2025 [ECF No. 8]. Plaintiff did not timely respond to Defendant's letter. *See* Individual Rules of Practice § 4.A.i. Based on the Court's careful review of the Defendant's letter, a pre-motion conference is not necessary.

IT IS HEREBY ORDERED that, by February 5, 2025, Plaintiff shall file a letter informing the Court and Defendant whether Plaintiff intends to file an amended complaint. **This will be Plaintiff's last opportunity to amend in response to any issue raised in Defendant's pre-motion letter.**

IT IS FURTHER ORDERED that, if Plaintiff elects to amend, it shall file the amended complaint by February 19, 2025. Defendant shall respond within 14 days. If Defendant responds with a motion dismiss, further briefing shall be submitted on the schedule set forth in Local Rule 6.1(b).

IT IS FURTHER ORDERED that, if Plaintiff elects not to amend, Defendant shall file its contemplated motion by February 19, 2025. Further briefing shall be submitted on the schedule set forth in Local Rule 6.1(b).

IT IS FURTHER ORDERED that, if Defendant intends to file a motion to stay discovery during the pendency of its motion to dismiss, it shall do so on the same day that it files a motion to dismiss. Plaintiff shall file its response within a week of the filing of the motion to stay discovery.


Any request for an extension or adjournment shall be made by letter filed on ECF and must be received at least 48 hours before the deadline.

The Clerk of Court respectfully is requested to terminate the letter motion pending at docket entry 8.

The parties are reminded that failure to comply with this Order or with any order of the Court or comply with the FRCP, the Local Rules for the SDNY or this Court's Individual Practice Rules, or their discovery or other obligations may result in sanctions, including monetary penalties on counsel and/or the parties, dismissal or preclusion of claims, defenses, arguments, or evidence.

SO ORDERED.

**Date: January 29, 2025
New York, NY**


MARY KAY VYSKOCIL
United States District Judge